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THE RESEARCH REVIEW

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"Long Term Stewardship"

Governor Bredesen presented his four-year budget proposal to the 106th General Assembly this week. The budget incorporates an estimated five billion dollar impact on Tennessee in stimulus funds from the American Recovery and Reinvestment Act.

THE HOUSE RESEARCH DIVISION

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Those on either side of the wine-in-grocery-stores issue appeared before the State & Local Government Committee this week. The legislation has been assigned to the Local Government Subcommittee for consideration.

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THE FULL COMMITTEE

The Agriculture Committee met Tuesday to consider two bills on calendar.



Chairman Bone

HB 1512 (Tindell) was referred to *Government Operations*. This bill authorizes commercial pest control operators to enter into termite warranty agreements without initial treatment being provided. It also requires commercial pest control operators to perform initial inspection prior to any warranty agreement.

HB 2137 (Harrison) failed for lack of votes in the committee. This bill prohibits pest control operators from entering into a contract to provide ongoing services for termite prevention or control on a structure or building without first applying a pesticide that is registered with the Environmental Protection Agency (EPA) and the Department of Agriculture or using a delivery system labeled to prevent or control termites that is registered with the EPA and the Department.

children & family affairs

Amelia Mitchell

THE FULL COMMITTEE

The **Children & Family Affairs Committee** did not meet this week.

FAMILY JUSTICE SUBCOMMITTEE

The **Family Justice Subcommittee** met on Tuesday, March 24th and considered the following legislation:

The following bills passed to full committee:

HB 677 by Rep. Cooper as amended states a parent may not be suspended from visitation due to being unable to pay for a specified visit. Supervisors serving under a court order may seek monetary relief from the court. In cases in which the court has found specific cases of abuse, the parent causing supervised visits is responsible

for the costs. The cost for the supervised visit shall not exceed the guidelines of the Administrative Office of the Courts. The cost for a facility for the visitation may not exceed \$40 per hour.

HB 329 by Rep S. Jones as amended requires the rules, regulations, and policies of DCS to be applied uniformly and consistently throughout the state. Department of Children Services is required to appear before the Select Committee on Children and Youth & the House Children and Family Affairs Committee prior to March 1st each year for a review of rules, regulations, and policies and must submit any new departmental policies within 60 days of adoption for review.

HB 1439 by Rep Coleman changes the name of “juvenile referee” to “juvenile magistrate” and the name “child support referee” to “child support magistrate”.

The following bills were deferred one week:

HB 542 by Rep. Litz

HB 2159 by Rep. Hensley

The following bill was deferred two weeks:

HB 1207 by Rep. Montgomery

DOMESTIC RELATIONS SUBCOMMITTEE

The **Domestic Relations Subcommittee** met on Wednesday, March 25th and the following legislation was taken off notice:

HB 2 by Rep. Hardaway

HB 398 by Rep. Rowland

HB 802 by Rep. Campfield

commerce

Todd A. Staley, Esq.

THE FULL COMMITTEE

The **Commerce Committee** passed out three bills on Tuesday during its full committee meeting.

HB 380 (Sargent) as amended requires the seller of real property to disclose if the property is located in a planned unit development before entering into a contract with the buyer. A copy of the restrictive covenants, homeowner by-laws, and master deed must be made available upon request of the buyer.

[passed to Calendar & Rules]



Rep. Maddox

Development Corporation in regards to the date of their meetings. Changes to the TTDC's charter require approval by the General Assembly.

[passed to Calendar & Rules]

HB 1420 (Tidwell) creates the "Soil Scientist Licensing Act of 2009." Soil scientists generally map a

piece of land to determine how the properties of the soil support or limit activities and uses. Under this legislation, the Examiners of Land Surveyors would license and regulate soil scientists. The bill establishes minimum educational and experience requirements to apply for licensure. An amendment was added to clarify that the new license does not affect any other profession related to soil science that already requires licensure or registration.

[rolled for one week]



Rep. Tidwell

The committee heard from the Tennessee Athletic Commission on the "Mixed Martial Arts" legislation enacted last year. Testimony was given by Executive Director Jeff Mullen, Chairman Jack Sammons, and Commissioner Charles Clark. The commission was formed last fall as part of the 2008 act.

The commission has approved permanent rules that are effective in May 2009. In particular the rules allow the commission to regulate and issue permits for amateur events.

One of the major problems of the former boxing commission was not collecting fees from promoters. Mr. Sammons testified that the commission is taking a hard stance on the collection of fees. For example, the

commission collected \$46,000 plus late fees for noncompliance from promoters at the recent HBO Boxing event at Vanderbilt.

There are several events scheduled this year. Next week, there is a UFC event at the Sommet Center in Nashville. The commission is projecting \$50,000 in tickets and broadcasting fees alone. This does not include the local economic impact on hotels, restaurants, and retailers.

UTILITIES AND BANKING SUBCOMMITTEE

The **Utilities and Banking Subcommittee** met on Tuesday and moved one bill to the full committee.

HB 1698 (McCormick) would allow any incumbent telephone service provider (AT&T) to operate under market regulation instead of price regulation through the Tennessee Regulatory Authority. An amendment was adopted that: 1) addresses the fiscal impact, 2) maintains TRA as the dispute resolution forum for wholesale issues between carriers, 3) continues funding for the Lifeline and Link Up programs by AT&T, 4) preserves TRA's authority in rural areas until AT&T demonstrates that there is competition in those markets. The subcommittee heard additional testimony. It was agreed that the bill would move forward with the stipulation that all interested parties will work together on reaching common ground before presenting it to the full committee.

[moved to full committee]

The following bills were *rolled for one week*:

HB 1349 (Sargent)
HB 738 (Mumpower)
HB 1743 (Fitzhugh)
HJR 146 (Towns)

HB 57 (Hardaway) was taken off notice.

SMALL BUSINESS SUBCOMMITTEE

The **Small Business Subcommittee** met on Tuesday and moved three bills to the full committee.

HB 1375 (Johnson P) as amended requires persons appointed to Tennessee Home Inspection Advisory Committee to be licensed home inspectors.
[moved to full committee]

HB 2199 (Miller L) creates a special joint committee to study unnecessary barriers hindering the ability for small businesses to compete. An amendment was added

to require that each legislator appointed to the committee own or operate a small business.

[moved to full committee]

HB 644 (Montgomery) as amended would require an individual who is wanting to start a private investigations firm to have 4,000 hours of experience in addition to the current requirements. An individual who owns, but does not work as a private investigator only needs to have one employee who meets the experience requirement. All current private investigations firm license holders are grandfathered in. A second amendment was adopted that would allow the commission to consider 2 years of related experience or education in lieu of the 4,000 hour requirement.

[moved to full committee]

HB 1846 (Miller L) – rolled for two weeks.

HB 2085 (Sargent) – rolled for one week.

INDUSTRIAL IMPACT SUBCOMMITTEE

The **Industrial Impact Subcommittee** met on Wednesday and moved three bills to the full committee.

HB 888 (Sontany) requires the seller of a residence to disclose to the buyer if the residence was moved to the existing foundation from another foundation. The subcommittee added an amendment to clarify that the seller only has to make the disclosure if the seller knows the residence had been moved.

[moved to full committee]

HB 2329 (Cobb T) allows the Department of Commerce & Insurance to charge a convenience fee for the submitting construction plans electronically. The Department is currently limited by statute on the fee that can be assessed for reviewing construction plans and specifications. This bill allows the Department to pass on the costs of the electronic system to those entities that submit plans



Rep. T. Cobb

electronically. Business can use the electronic system at a lower cost than the current hardcopy system.

[moved to full committee]

HB 1517 (Curtiss) requires petroleum suppliers to make unblended gas or diesel available to wholesalers so that the wholesaler may blend the gas or diesel with ethanol or other biological products. The subcommittee heard testimony from Ross Benton of Benton Oil in Chattanooga. According to Mr. Benton, refineries are limiting the availability of unblended fuel products. Testimony was also given by Lisa Wheeler of Valero Refinery in Memphis. Ms. Wheeler said that the Valero Refinery moved its operation to 100% blended fuel and would require additional infrastructure to comply with this bill if passed.

[moved to full committee]

HB 276 (Dean) revises the current laws on the sale, possession, use of fireworks by local governments. An amendment was distributed to the members for their consideration. The amendment gives the ability to each

county commission to decide whether or not to permit the sale and discharge of fireworks in their county.

After a two-thirds vote, the county commission would then seek approve by the General Assembly. Rep. Todd said that he will ask for an Attorney General's opinion on the current fireworks laws and asked the subcommittee to roll the bill until such an opinion is available.

[rolled no later than the last calendar of 2009]

HB 793 (Harwell) – rolled for two weeks

HB 1562 (West) – rolled for one week

HB 1251 (Curtiss) – rolled for two weeks

HB 128 (Hardaway) was taken off notice.

The subcommittee will place all insurance coverage mandate bills on a special calendar to be heard on a later date. The following bills were *rolled* to that calendar:

HB 65 (Fincher)

HB 396 (Fincher)

HB 636 (Maggart)

conservation & environment

Jeremy Maxwell

THE FULL COMMITTEE

The Conservation and Environment Committee met Tuesday to consider five bills on calendar.

The following bills were *referred to Calendar and Rules*:

HB 1912 (Armstrong) authorizes the use of a natural gas blend including natural gas and refined landfill gas for the purpose of the issuance of permits pertaining to natural gas.

HB 2309 (Bone) designates John and Hester Lane Cedar Glades as a Class II natural area. It also renames the Class I natural area Bon Aqua Woods as the John Noel State Natural Area at Bon Aqua. The bill also revises the area of certain natural areas to reflect recent purchases and changes resulting from recent surveys

HB 1981 (Fitzhugh) was *referred to FW&M as amended*. The bill authorizes the Tennessee Local Development Authority to charge and collect administrative fees and expenses to cover the costs of financing programs under the Wastewater Facilities Act

of 1987 and the Drinking Water Revolving Loan Fund Act of 1997. The bill, as amended, adds language to the original bill stating that fees received should be deposited in the Tennessee Local Development Authority Fund.

HB 1245 (Curtiss) was *referred to Government Operations as amended*. The bill requires applicants for a new or expanded wastewater discharge permit to include with the application a statement considering alternatives to such discharge into surface waters. It authorizes the Water Quality Control Board to create a system of incentives to use methods of wastewater disposal that serve as alternatives to discharge into surface water. The bill, as amended, deletes the language of the bill that increased the permit term from five years to ten years for such incentives.

HB 569 (Shepard) was *rolled to the last calendar*. This bill authorizes the Tennessee Wildlife Resources Agency to issue free hunting and fishing licenses to Tennesseans who are 100 percent disabled and receive social security benefits.

ENVIRONMENT SUBCOMMITTEE

The Environment Subcommittee met to consider seven bills on calendar.

The following bills were *referred to full committee as amended*:

HB 1204 (McCord) deletes the original bill in its entirety. It establishes that the water quality criterion for selenium shall not be more stringent than the recommended national criterion established by the Environmental Protection Agency in 2004. Any such

rules shall be promulgated and adopted as public necessity rules.



Rep. Litz

HB 2294 (Litz) deletes the original bill in its entirety. It authorizes the Department of Environment and Conservation and the Local Development Authority to utilize stimulus funds provided by the American Recovery and Reinvestment Act of 2009 to make loans and grants to

local governments for construction of wastewater and drinking water treatment facilities in a manner consistent with federal guidelines for the dispersal of such funds. This bill allows TDEC to receive approximately \$70,000,000 which will be available to local governments through loans and grants for approved drinking and wastewater projects.

HB 661 (Sargent) authorizes county air pollution control boards to use remote sensing devices to identify vehicles that comply with air quality criteria. The bill, as amended, shall only apply to those counties on the effective date of this act that have been designated by the air pollution control board to have an inspection and maintenance program. A board or any entity or vendor that contracts to perform annual emissions tests shall promptly and permanently purge all identifying information regarding motor vehicles that are not registered in a county that has been designated by the air pollution control board to have an inspection and maintenance program.

HB 2300 (McCord) establishes that no permit will be issued that would allow removal of coal by surface mining methods or surface access points to underground mining within one hundred feet from any stream. A permit may be issued or renewed for stream crossings of operations to improve the quality of stream segments previously disturbed by mining and for activities related to the removal of coal from its original location. These activities can not cause loss of stream function nor cause a discharge of pollutants in violation of water quality criteria. Also, the commissioner can determine not to issue a permit if a particular site violates the water quality standards by acid rain drainage.

HR 36 (Cooper, B) was *referred to full committee*. This bill urges Tennesseans to consider the many benefits of green job growth in Tennessee.

The following bills were *deferred one week*:

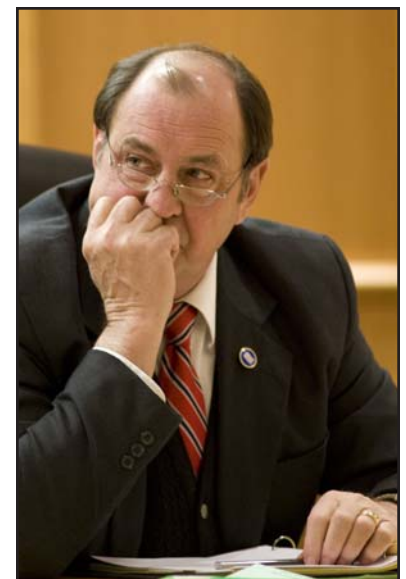
HB 977 (McCord), as introduced, requires dealers, brokers, or other coal purchasers who purchase more than 50 tons of coal within 12 successive calendar months to be licensed.

HB 941 (Ferguson) requires the Department of Environment and Conservation to provide at least 24 hours prior notification for certain inspections. It also requires inspectors to provide identification prior to inspection or testing and requires TDEC inspectors to have training equivalent to the level of water or wastewater operations inspected. This bill limits the scope of TDEC inspections to the items covered by the inspecting division.

WILDLIFE SUBCOMMITTEE

The Wildlife Subcommittee met Tuesday to consider five bills on calendar.

HB 1424 (Lollar) was *referred to full committee as amended*. This bill restricts the validity of elk-take permits to the eastern grand division of the state. As amended, the nonprofit wildlife conservation organization may use



Rep. Lollar

no more than twenty percent of the proceeds to advertise the sale of the permit. The commission is authorized to promulgate rules and regulations to implement the special elk-take permit program.

HJR 149 (McCord) was *referred to full committee*. The proposed constitutional amendment previously approved by the 105th General Assembly relative to granting citizens the right to hunt, fish, and harvest game. This resolution would be placed on the 2010 regular November general election ballot.

HB 361 (Dennis) was *rolled one week*. This bill requires a court hearing rather than an administrative hearing to determine whether certain property seized by the state for violations of certain game and fish laws is forfeited to the state.

HB 725 (Hensley) was *rolled two weeks*. It requires visible evidence of baiting prior to any individual being charged with the offense of hunting or taking of animals by use of bait.

HB 958 (McCord) was *deferred to the heel of last calendar*. The bill increases from thirty to forty-five days the amount of time which a person cited for not wearing flotation device must provide proof of legal age.

PARKS SUBCOMMITTEE

The Parks Subcommittee met Wednesday to consider two bills on calendar and to hear a presentation.

HB 1308 (Harmon) was *rolled to the last calendar*. It requires the Department of Environment and Conservation to promulgate rules to authorize certain

segments of trails at Fall Creek Falls State Park and Savage Gulf State Natural Area for horseback riding.

HB 2111 (Borchert) *passed to full committee as amended*. It limits the requirement for the Commissioner of the Department of Environment and Conservation to offer discounted rates to resident veterans for activities at state parks to the off season.



Rep. Borchert and Chairlady Gilmore

The committee also heard from Susan Whitaker, the Department of Tourism Commissioner, who gave an overview of the state's tourism business and its budget. In 2007, Tennessee generated \$14.2 billion in revenue. This fiscal year's budget is approximately \$13 million. The commissioner stated that the state makes \$20 for every \$1 spent on tourism.

consumer & employee affairs

Lucy Wilson

THE FULL COMMITTEE

The **Consumer & Employee Affairs Committee** did not meet this week.

CONSUMER AFFAIRS SUBCOMMITTEE

The **Consumer Affairs Subcommittee** met to hear two bills both of which were rolled one week.

HB 0764 by Turner M (SB 1737 by Marrero B) requires gift certificates with a monetary value of less than \$10.00 to be redeemable in cash for cash value.
08

HB 2218 by Gilmore (SB 1763 by Herron) makes it an unfair or deceptive act under the Consumer Protection Act to engage in foreclosure-related rescue consultant services for a fee under certain circumstances. The sponsor and legal services will prepare an amendment to clarify language for committee members.

EMPLOYEE AFFAIRS SUBCOMMITTEE

The **Employee Affairs Subcommittee** met this week to hear eight bills.



Rep. Towns

Passed:

HB 2092 by Towns (SB 1491 by Ford, O) prevents the reduction or termination of unemployment benefits due to a claimant's enrollment in an institution of higher education. After clarification that this was already a practice of the Department of Labor and Workforce Development and an explanation that a

claimant who is in school must still meet the same qualifications as a claimant who is not, the bill passed to full committee.

Failed:

HJR 0050 by Cooper B, urges Congress to enact the Employee Free Choice Act. The Act would authorize the National Labor Relations Board to certify a union as the bargaining representative when a majority of employees voluntarily sign authorizations designating that union to represent them; to provide for first contract mediation and arbitration; and to establish meaningful penalties for violations of a worker's freedom to choose a union. This Act is also known as "Card Check." The following people testified: Jim Brown, National Foundation for Independent Business (NFIB); Kenny Crenshaw, NFIB Member, Memphis; Jerry Lee, TN AFLCIO. The bill was tied 3-3 and failed in committee.

Rolled 1 week:

HB 1916 by Lynn, (SB 1674 by Johnson) enacts the "Secret Ballot Protection Act of 2009." The following people testified on the bill: Jim Brown, National Federation of Independent Business (NFIB); Danny Castlebury, Teamsters; Jerry Lee, TN AFLCIO; and Bob Gaskill, Retired, Tennessee Chamber of Commerce. After much discussion, the sponsor rolled the bill one week.

HB 0776 by Turner M (SB 1664 by Harper) enacts the "Pay Equity in the Workplace Act" which will revise law provisions regarding wage discrimination. Sponsor rolled one week.

HJR 0027 by Hackworth urges Congress to review and address the Social Security disability claims process. Sponsor rolled one week.

HB 1760 by Curtiss, (SB 1201 by Tracy) revises benefit provisions concerning seeking work, dishonesty and absenteeism, revises hearing procedures, and penalties for fraud. Sponsor rolled one week.

HB 1571 by West (SB 0432 by Bunch) authorizes officers of corporations to exempt themselves from unemployment law provisions. Sponsor rolled 1 week.

Rolled 2 weeks:

HB 0397 by Fincher (SB 1731 by Burks) prohibits employers from requiring employees to use vacation time while on family or medical leave. Sponsor rolled two weeks.



Rep. Hackworth

THE FULL COMMITTEE

The **House Education Committee** met Wednesday, March 25th with seven bills on calendar. All bills were rolled with the exception of **HB 0248 (H. Brooks)**, which the committee **sent to Finance**. The bill gives



Chairman Brooks

the option back to LEAs to permit career and technical classes to exceed class size limits, provided that physical safety precautions are not required, that such classes do not impair instruction, and that limits do not exceed that of academic classes in grades 7-12.

Rolled:

HB 0102 (McCormick)

deletes the requirement that at a

meeting at which action is taken on the director of school's contract extension, the contract action is to be the first item on the agenda. *(one week)*

HB 0782 (McCormick), for purposes of calculating years of service and setting salary ratings, credits former JROTC instructors, who are currently teaching in subject areas other than JROTC or military science, for the years they taught JROTC. *(one week)*

HB 0849 (Mumpower) expands the "Moral Combat" intervention program statewide by authorizing human resource agencies to apply for grants. *(one week)*

HB 0374 (Coley) requires written a referral for a student's behavior to be returned to the faculty member issuing the referral; requires that the referral be retained as a permanent record. *(one week)*

HB 0975 (McCord) requires that the TCAP be given later in the school year - during a five-day period between the last week of March and the first three weeks of April. *(one week)*

HJR 0033 (Lollar) requires the state board to implement methods to encourage students to apply to at least one postsecondary institution. *(one week)*

K-12 SUBCOMMITTEE

The **K-12 Subcommittee** met on Wednesday with 34 bills on calendar.

Sent to the Full Committee:

HB 0092 (J. Cobb), as written, allows the longer use of conventional school buses by extending their yearly waiver limit eight years (instead of the current three years) past the initial 12 years of service. The buses will be subject to safety inspections twice yearly, and waivers are to be granted by the commissioner of education. Testimony on both sides of the issue was given by representatives of school bus drivers, the Department of Safety, a school district (Coffee County) and the



Rep. Cobb

Department of Education. The bill was amended to 1) shorten the proposed eight-year extension, 2) require locals to keep records and the department to maintain those records of all buses starting with the beginning of the waiver period, and 3) add a mileage limit into law on the buses. The amended bill now moves to the full committee.

Taken off notice:

HB 0393 (Fincher)
HB 1208 (Winningham)
HB 1388)Halford
HB 0292 (Borchert)
HB 0552 (Hardaway)
HB 0777 (M. Turner)

All other bills on calendar will be grouped into categories and rolled to the next (and future) meetings.

HIGHER EDUCATION SUBCOMMITTEE

The **Higher Education Subcommittee** took the first of two meetings (this week and next week) to address bills

affecting postsecondary scholarships and financial assistance through lottery proceeds (lottery bills). Once the bills are heard for the purpose of questions and discussion, sponsors will be required to place the bills on notice later when actual action will be taken. There were 39 bills on calendar this week. Discussion will resume next Tuesday.

finance, ways & means

Julie Travis & Patrick Boggs

THE FULL COMMITTEE

The Finance, Ways and Means Committee met Tuesday. After dispensing with their calendar (actions to follow), the committee heard a presentation by the Comptroller of the Treasury, Mr. Justin Wilson, regarding a new website encouraging the public to invest in State of Tennessee bonds. The next bond issuance will pay interest in the amount of 4% and will be sold in \$5,000 increments. The new website marketing the bonds to the public is www.buytnbonds.com.

Following the Comptroller, Commissioner Goetz of the Department of Finance and Administration appeared to formally present the 2009-2010 budget to the committee. This budget, unlike budgets submitted in previous years, gives a four year outlook for revenues and expenditures. The state is facing an unprecedented loss of revenue in this timeframe, and, due to the constitutional requirement to balance the budget every year, significant cuts must be made. However, with the receipt of federal stimulus dollars, cuts do not have to be as draconian; stimulus dollars will be used to soften the blow of the anticipated cuts, phasing them in over time, so that the new revenue reality that will arrive in two years when the federal stimulus dollars end will not be as harsh.

Before the passage of the federal stimulus package, the governor had asked for across the board cuts of nearly 15%. Federal stimulus dollars will flow in for two years, allowing the agencies impacted that length of time to make cuts necessary to adjust to a smaller state income picture. Also, in two years, the administration believes that there will be an uptick in revenue, enough so that the smaller cuts that have been asked for can be implemented rather than the much more severe cuts. The governor also plans to take some funds out of the rainy day fund and the TennCare reserve to help soften the blow. Even with the stimulus dollars, there will be a net overall decrease of 1.47% in the state budget.

While there will be some layoffs, Cmsr. Goetz believed that the number of individuals impacted by such cuts would be much fewer than if no stimulus dollars had arrived and that many cuts being made were chosen as necessary because of business decisions, finding those positions unnecessary or obsolete, approximately 80 positions total. The administration will strive to otherwise only eliminate open positions, or to transfer workers into open positions if their current position is about to be eliminated, so as to preserve their paycheck.

As education continues to be a first priority for both the administration and this body, this budget fully funds the Basic Education Program, including natural growth to the plan. Part of the temporary infusion of federal funds allows the administration to convert some BEP monies, from the net base, to other sources, but K-12 gets overall more dollars, as the federal matching requirement that came with the K-12 dollars means that more monies must be paid in FY 10 and FY 11. The revenue picture will be significantly improved enough, in the administration's estimate, that these net base funds will be replaced, along with another improvement of state dollars in the BEP funds in FY 12.

For future reference, a searchable pdf form of the budget document for FY09-10 can be found at <http://tennessee.gov/finance/bud/bud0910/10publications.html>.

Bills referred to Calendar & Rules:

HB 75 (Shepard) – This bill designates a section of U.S. 70 as the “LCpl Jeffrey Adam Bishop Memorial Highway.” Such funding shall come from the highway fund as Lance Corporal Bishop was killed in the line of duty while in service to our country.

HB 231 (Todd) – This bill names a section of S.R. 176 in Shelby County the “Jerry Lee Lewis Highway.” The

committee amended the bill to require the funds for the signage to be directed from the City of Memphis.

HB 340 (Hensley) – This bill reduces from quarterly to annually the number of times the Committee for Clinical Perfusionists must meet. This reduction will result in a cost savings of \$2,300 annually for the committee within the Medical Examiners board.



Rep. McDaniel

HB 440 (McDaniel) – This bill names a bridge on S.R. 227 in Wayne County the “Joe ‘Buddy’ Bailey Memorial Bridge.” The committee amended the bill to require Wayne County to direct the funding for the signage to the department of transportation.

HB 470 (Shepard) – This bill names a bridge on S.R. 48 in Dickson County the “William Fiser Memorial Bridge.” The committee amended the bill to specify that Dickson County would direct the funding for the signs.

HB 509 (Coleman) – This bill designates the bridge located at the intersection of I-24 and S.R. 266 in Rutherford County as the “SPC Raymond Neal Mitchell III Memorial Bridge.” SPC Mitchell was killed in the line of duty in Iraq and thus the signs will be paid out of the highway fund.

HB 1463 (Casada) – This bill names the bridge over Rutherford Creek on U.S. 431 in Williamson County as the “Sam Cliff Smithson, Sr. Memorial Bridge.” As amended by the committee, Williamson County would direct the funding for the signage.

BUDGET SUBCOMMITTEE

On Wednesday, March 25, 2009, the Budget Subcommittee of the House Finance, Ways, and Means Committee met with twenty-one bills on its calendar. Subcommittee action on these bills is as follows:

Referred to Full Committee:

HB 1211 by Rep. Eldridge – This bill clarifies the definition of the term “project” as it relates to central business improvement districts, with the expressed purpose resulting in increased utilization of tax increment financing (TIF funds) for the City of Jackson to allow a private developer build a hotel and retail commercial development in Jackson that would probably not occur in the absence of this legislation. The undeveloped land is currently owned by the city of Jackson and the property is not presently generating any sales or property tax revenues, thus resulting in forgone state revenue. The state sales tax revenue that is expected to be generated with the proposed development is expected to then be redirected to the City of Jackson for the debt service on the bonds to thus finance the development.

HB 336 by Rep. Carr – Highway Sign: This bill designates the bridge spanning the Middle Fork of the Stones River on U.S. Highway 231 in Rutherford County as the “Thomas Hutchinson Bridge” and directs the Department of Transportation to erect suitable signs. As amended in Transportation, the signs will be erected if Wayne County directs the funding for the signage to the department of transportation.



Rep. Carr

HB 273 by Rep. Dean – This legislation authorizes local governments to use internet auctions, as a form of public auctions, for the disposal of surplus property, by extending statewide the authorizing provision already in place for Roane and Anderson counties with a 2/3rds vote by their county legislative bodies. This bill does not require the 2/3rds voting requirement provision already in place for those two counties when they had the earlier opportunity to vote for this change.

HB 1494 by Rep. Hensley – Highway Sign: This bill designates the bridge spanning Blue Water Creek on State Route 227 in Lawrence County as the “Bobby James Killen Memorial Bridge” and directs the Dept. of Transportation to erect suitable signs. As amended in

the House Transportation Committee, designating signs shall be erected only if Lawrence County directs the funding for the manufacture and installation of the signage to the department of transportation.

HB 1820 by Rep. Maggart – This legislation authorizes the Tennessee Bureau of Investigation (TBI) to digitize sexual and violent sexual offender registry files and provides that a digitized copy of the original shall be deemed an original for all purposes including as evidence in judicial or administrative proceedings. According to the TBI, failure to pass this legislation may result in a 10 percent decrease in the Byrne Grant funding for the state of Tennessee, which is approximately \$2.7 million.



Rep. Maggart

HB 1272 by Rep. Maggart – As amended in Budget Subcommittee, this bill designates the road between the Tennessee Fire Service Codes and Enforcement Academy Administration Building and the Tennessee Fire Service Codes and Enforcement Fire Station in Bedford County as the “Helen J. Brown Boulevard” and directs the

department of transportation (TDOT) to erect suitable signs. Designating signs shall be erected only if Bedford County pays TDOT for the manufacturing and installation costs associated with the name change.

HB 2110 by Rep. McDaniel – This legislation, as amended in the House Agriculture Committee, allows local governments to regulate the time and place of business operations of veterinary practices, provided that such regulation does not conflict with state law or regulations governing the practice of veterinary medicine.

HB 453 by Rep. McDonald – Hwy. Sign: This bill designates the segment of S.R. 174 in Sumner County from mile marker 32 to mile marker 33 as the “Cora Cline Memorial Highway” and directs the department of transportation to erect suitable signs. As amended in House Transportation, Sumner County will direct the

funding for the manufacture and installation of the signage.

HB 383 by Rep. Sargent – As amended in Budget Subcommittee, this bill requires municipal fuel contracts to terminate no later than June 30, 2011, thereby extending the current authorization that was due to sunset on June 30th of this year.

HB 310 by Rep. Sargent – This legislation, as amended in House State and Local Government Committee, authorizes a pilot project in Williamson County for municipalities to remedy unsafe conditions caused by abandoned or suspended construction and to assess the cost of such repairs to the property owner. The pilot project is due to sunset in three years as specified in the amended bill.

HB 16 by Rep. Swafford – Hwy. Sign: This bill designates a segment of Interstate 40 in Cumberland County between I-40 eastbound 1,500 feet before Exit 317 and approximately 1,000 feet westbound of mile marker 323 of I-40, as the “Vietnam War Memorial Highway” and directs the department of transportation to manufacture and erect suitable signs. As amended in Budget Sub., the City of Crossville is required to direct the funding to TDOT for the costs of such name change to the interstate highway.

Deferred for One Week:

HB 294 by Rep. Bone
HB 343 by Rep. Bone
HB 716 by Rep. Niceley

Deferred for Two Weeks:

HB 1287 by Rep. Casada

Deferred for Three Weeks:

HB 348 by Rep. Hackworth

Deferred to the Last Calendar:

HB 111 by Rep. Bell

Behind the Budget:

HB 351 by Rep. Hackworth

Referred to Study Sub:

HB 529 by Rep. Hackworth
HJR 32 by Rep. West

Off Notice:

HB 85 by Rep. Fraley

government operations

Amber Rice

The **Government Operations Committee** met on March 24th to consider eleven bills.

HB 1095 by Rep. Lynn and **HB 1103 by Rep. Lynn** were both deferred for one week.

The following bill was sent to **Finance, Ways and Means**:

HB 62 by Rep. Fincher- Enacts the “Tennessee Immigration Compliance Act.”

The following bills were passed to **Calendar and Rules**:

HB 992 by Rep. Lynn- Extends the Regional Transportation Authority to June 30, 2011.

HB 994 by Rep. Lynn- Extends Board of Trustees of the Baccalaureate Education System Trust Fund Program to June 30, 2015.

HB 1004 by Rep. Lynn- Extends State Board of Equalization to June 30, 2015.

HB 1044 by Rep. Lynn- Extends Utility Management Review Board to June 30, 2015.

The following bills were passed to **Calendar and Rules** with an amendment:

HB 1029 by Rep. Lynn- As amended, extends the Board of Regents to June 30, 2014.

HB 1034 by Rep. Lynn- As amended, extends Tennessee Claims Commission to June 30, 2015.

The following bills were amended and then deferred:

HB 1079 by Rep. Lynn- As amended, extends the Department of Financial Institutions to June 30, 2013. The bill was discussed and then deferred for one week.

HB 1080 by Rep. Lynn- As amended, extends the Department of Economic and Community Development to June 30, 2013. The bill was discussed and then deferred for two weeks.

health & human resources

Judy Narramore

THE FULL COMMITTEE

The **Health & Human Resources Committee** met Tuesday, March 24, 2009, with nine bills and one resolution on calendar. **HB 0093 (Moore)** as amended that revises existing statute to require nursing homes to have criminal background checks completed on direct care employees prior to employment was referred to C&R. After extended testimony and discussion, **HB 0220 (Fincher)** that requires the Bureau of TennCare to verify the social security number of all TennCare enrollees and remove ineligible persons who are not lawful residents or are otherwise fraudulent applicants prior to disenrolling persons for reasons relating to restricting eligibility or enrollment for fiscal or other reasons not required by federal law was referred to FW&M. **HB 0465 (Odom)** that authorizes nurse practitioners and physician assistants to perform

physical examinations of police officers and to issue certified statements of disability or deafness for a person’s application for an appropriate registration, license plate, placard, or decal from the Department of Revenue was referred to C&R.

HB 1550 (Shepard) that authorizes renal



Rep. Moore



Rep. Shepard

dialysis clinics to employ physicians to provide medical services and establishes guidelines for renal dialysis clinics that employ physicians was referred to C&R.

HB 1551 (Shepard) as amended concerning *adult behavioral health services for the seriously and persistently mentally ill* provided through the

Behavioral Health Safety Net of Tennessee was referred to C&R. The amendment adds support for community based providers of behavioral health services to seriously and persistently mentally ill adults who are uninsured and who lack financial resources to secure behavioral health care to the priority efforts of the health care safety net and states the legislative intent for the Department of Mental Health & Developmental Disabilities to maintain funding and services of the Behavioral Health Safety Net at levels at least equal to those provided on January 1, 2009. **HB 1611 (Tuner M)** that redefines “previous two (2) years” as “calendar years 2006 and 2007” for the years of the joint annual report in which a nursing home’s occupancy rate is measured as a condition that must be met in order to relocate less than all of its licensed beds to a new location was referred to C&R. **HB 1757 (Camper)** that authorizes an existing nursing home to relocate all or less than all of its licensed beds to not more than two new locations if the original facility is subject to condemnation proceeding by a railroad, is licensed for more than 230 beds and is certified for Medicaid and Medicare participation, the proposed relocation facility is within the original facility’s service area, and one or more applications for relocation must be filed with and approved by the Health Services and Development Agency was referred to C&R. **HB 1828 (Hensley)** that extends the termination date for the Select Oversight Committee on TennCare until June 30, 2014, was referred to C&R. **HB 2215 (Gilmore)** was rolled one week at the request of a committee member. **SJR 0085** (carried in the House by Rep. Shepard) that urges

the Department of Health to review and enhance current immunization activities to focus on influenza vaccination of all children ages six months through 18 years, increase influenza immunization awareness, work with health care professionals and public health organizations to develop plans for expanding outreach and infrastructure to achieve recommended vaccination targets, and explore the use of schools and alternative venues to administer influenza vaccine to children was referred to C&R.

PROFESSIONAL OCCUPATIONS SUBCOMMITTEE

The **Professional Occupations Subcommittee** met Tuesday morning, March 24, 2009, with seven bills on calendar. The subcommittee met for over an hour, however, no bills were referred. Rep. Matheny presented **HB 0106** concerning emergency vehicles and offered an amendment that rewrites all but the effective date of the printed bill to require the EMS Board to promulgate standards for the design, construction, equipment, sanitation, operation and maintenance of ambulances and invalid vehicles, and for the operations and minimum emergency care equipment for emergency response vehicles. The subcommittee then rolled HB 0106 one week with the amendment pending. **HB 0394 (Fincher)** was rolled to *last calendar* at the request of the sponsor. **HB 0635 (Maggart)** that requires a pharmacist to notify the patient and prescriber prior to the interchange of an immunosuppressant drug for a transplant patient was discussed at length, including extended testimony from a transplant recipient and a pharmacy educator/scientist researcher. Subcommittee members had a number of questions about the “notification to the prescriber **prior to the interchange**” and “generic vs brand name” drugs language in the printed bill. Ultimately, HB 0635 was rolled two weeks by Chairman Harrison with an amendment pending that corrects the spelling of “immunosuppressant” and adds language to the definition of “immunosuppressant drug” as introduced. Chairman Harrison rolled the remaining four bills on calendar one week: **HB 1114 (Shepard)**, **HB 1353 (Floyd)**, **HB 1465 (Harwell)**, and **HB 2303 (Turner M, Fitzhugh)**.

PUBLIC HEALTH & FAMILY ASSISTANCE SUBCOMMITTEE

The **Public Health & Family Assistance Subcommittee** met Tuesday afternoon, March 24th with seven bills and one resolution on the calendar and addendum; four bills were referred to full committee. **HB 2270 (Armstrong, Turner M)** as amended that transfers the Center for Diabetes Prevention and Health Improvement to the Department of Health for administrative purposes and expands the entities authorized to apply for grants to include all schools and public entities was referred to full committee. **HB 0050 (Gilmore)** as amended that creates a joint study committee to study the disproportionate impact that HIV/AIDS has on the African-American community was referred to full committee. **HB 0445 (Maddox)** relative to abortion was rolled one week due to the sponsor's absence. **HB 2041 (McCord)** that deletes the July 1, 2009, expiration date for statutory provisions related to rental property unfit for habitation that were enacted in 2008 was referred to full committee. **HB 1603 (Brooks H)** as amended that authorizes municipalities with a population of at least 100,000 to authorize, by ordinance, the presence of "pet dogs" in outdoor dining areas of restaurants and requires such ordinance to provide for a permitting process to authorize individual restaurants to permit dogs and to charge applicants and authorized restaurants a

reasonable permit fee was referred to full committee; however, Rep. Brooks testified that he will hold the bill in full committee until *last calendar* while the Senate sponsor (Burchett) works with the Department of Health on additional amendatory language. **HB 0151 (Hensley)** as amended that requires pharmacies to have internet access to the controlled substance data base was rolled one week by the subcommittee for review of the amendment. **HJR 0061 (Fincher)** that proposed an amendment to Article I of the Constitution of Tennessee relative to abortion failed 0-8 on a roll call vote. Rep. Fincher took **HB 2106** off notice.

HEALTH CARE FACILITIES SUBCOMMITTEE

The **Health Care Facilities Subcommittee** meeting scheduled for Wednesday afternoon, March 25, 2009, was canceled after the four bills on calendar were either rolled or taken off notice. **HB 0684 (Cooper)** was taken off notice at the request of the sponsor. **HB 0436 (Shipley)** was rolled two weeks at the request of the sponsor. **HB 1737 (Fincher)** was rolled two weeks at the request of the sponsor. **HB 1843 (Harmon)** was rolled one week by Chairlady Pruitt.

judiciary

Jeffrey T. Malotte, Esq.

THE FULL COMMITTEE

The **Judiciary Committee** (Chairman Coleman) met on Wednesday, March 25, 2009 with 17 bills on calendar.

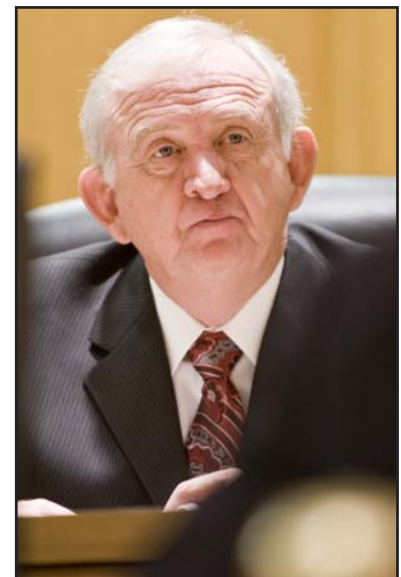
To Calendar & Rules:

HB 0626 (Maggart), as amended, provides that in animal cruelty prosecutions, if the defendant does not post a security bond to pay for the expense of caring for an animal within 72 hours, then the animal is forfeited and the defendant loses all ownership rights. Amendment #1 replaces "72 hours" with "3 business days." Amendment #2 expands the definition of a "certified animal control agency."

HB 0414 (Windle) authorizes inmate relations coordinators to carry firearms to the same extent as correctional officers.

HB 0748 (Montgomery), as amended, creates the Class A misdemeanor offense of possession of a tool or device designed to disable a security device to be used for the purpose of preventing the theft of retail merchandise. Amendment #1 exempts retail owners from such.

HB 0645 (Montgomery), as amended, revises the



Rep. Montgomery

Ski Area Safety and Liability Act to expand the coverage to include sleds, tubes, and snowboards as well as skis. The bill also increases the required liability insurance coverage to \$1,000,000 per occurrence (up from \$100,000 per person and \$200,000 per accident). Amendment #1 defines “skier.”

To Finance, Ways & Means:

HB 0960 (Tindell), as amended, authorizes person with handgun carry permit to possess firearm in local, state, or federal parks. Amendment #1 provides for local discretion.



Rep. Tindell

HB 0814 (Campfield), as amended, imposes criminal penalties upon persons who have hepatitis B and who do not tell persons to whom it could be transmitted. Amendment #1 adds hepatitis C.

HB 0360 (Dennis), as amended, permits a judge to order the issuance of a restricted driver’s license to a person convicted of driving impaired while underage under the same circumstances as a restricted driver’s license may be ordered for person convicted of DUI. Amendment #1 permits an application for a restricted driver’s license after a regular driver’s license has been suspended for 90 days.

HB 0735 (Matheny) prohibits an owner of a motor vehicle from knowingly allowing a person to operate such vehicle without the person having a valid driver license.

Taken Off Notice:
HB 0621 (Maggart).

Rolled:
HB 0620 (Maggart): 1 week.
HB 0623 (Maggart): 1 week.
HB 0730 (Ferguson): 1 week.
HB 1120 (Haynes): 2 weeks.
HB 0355 (Hackworth): 1 week.

HB 1277 (Gilmore): 3 weeks, and sent to the Judicial Council for review.
HB 0250 (Carr): 1 week.
HB 0918 (Matheny): 1 week.

**CIVIL PRACTICE & PROCEDURE
SUBCOMMITTEE**

The **Civil Subcommittee** (Chairman Kelsey) met on Tuesday, March 24, 2009 with 22 bills on calendar.

Presentations:

Tennessee Court of Appeals Judge Holly M. Kirby (acting not in her official capacity, but in her capacity as a citizen of Tennessee, and acting in the stead for former Justice Penny White who could not attend) and Vanderbilt Law School Assistant Professor Brian T. Fitzpatrick spoke concerning the constitutionality issues involved in the Tennessee plan for the selection and retention of judges.

To the full Committee:

HB 0409 (Pitts) requires judicial commissioners to complete twelve hours of continuing education per year.

HB 0326 (Jones S) clarifies that the meaning of a near fatality, for the purposes of allowing public disclosure of the confidential department of children’s services information relating to such, is a child having a serious or critical medical condition resulting from child abuse or child sexual abuse as reported by a physician who has examined the child subsequent to such abuse.

HB 2306 (Fincher) includes in the definition of “state employee,” for purposes of the provisions governing the defense of state employees, those persons participating in the process of executing a sentence of death as a contractor or volunteer.

Failed:
HB 0800 (Campfield).

Rolled:
HB 2254 (Yokley): 1 week.
HB 1771 (Dunn): 2 weeks.
HB 1772 (Dunn): 2 weeks.
HB 1832 (Turner M): 1 week.
HB 1637 (Jones U): 2 weeks.
HB 1554 (Montgomery): 1 week.
HB 0325 (Jones S): 2 weeks.
HB 1448 (McCord): 1 week.
HB 1762 (Shipley): 1 week.

HB 0711 (Shipley): 2 weeks.
 HB 1394 (Johnson P): 2 weeks.
 HB 2370 (Gilmore): 1 week.
 HB 0056 (Swafford): 2 weeks.
 HB 0527 (Coley): 1 week.
 HB 1848 (Coley): 1 week.
 HB 1450 (Coleman): 2 weeks.
 HB 2243 (Lundberg): 1 week.
 HB 1736 (Fincher): 1 week.

CRIMINAL PRACTICE & PROCEDURE SUBCOMMITTEE

The **Criminal Subcommittee** (Chairman Watson) met on Wednesday, March 25, 2009 with 48 bills on calendar.

Announcements from Chairman Watson:

The Criminal Practice and Procedure Subcommittee will likely close the 3rd Wednesday in April.

To the full Committee:

HB 0604 (DeBerry J), as amended, extends confidential status to certain identifying information compiled and maintained by the department of correction concerning a person who has requested that notification be provided regarding the status of criminal proceedings or of a sentenced felon. Amendment #1 makes the bill.

HB 0232 (Todd) adds a number of units as basis for grading the criminal classification of the use of a counterfeit mark or logo.

HB 0264 (Watson) increases the penalties for resisting arrest from a Class B misdemeanor to a Class A misdemeanor, and from a Class A misdemeanor to a Class E felony if a deadly weapon is used in the resisting. The bill also requires the court to suspend the defendant's driver's license if a motor vehicle is used as a deadly weapon.

HB 0391 (Fincher) makes price gouging of gasoline during a state of emergency a Class A misdemeanor.

HB 0389 (Fincher) revises the education requirements for private entities that provide misdemeanor probation supervision services.

HB 0241 (Rich) requires a person who commits a first or subsequent aggravated robbery, by use of a deadly weapon, to serve at least 85 percent of the sentence imposed before becoming eligible for release status.

HB 1247 (Curtiss) requires certain personal information regarding a victim who receives compensation from the Criminal Injuries Compensation Fund to be treated as confidential.

HB 1244 (Curtiss) requires an adult convicted of contributing to the delinquency of a minor to serve 100 percent of a Class A misdemeanor sentence (11 months and 29 days), if the offense involved supplying a substance to a minor that is unlawful for that minor to possess and the minor engages in conduct that causes the death of another.

HB 1614 (McDonald), as amended, removes certain exemptions that allow sexual offenders to be on school grounds. Amendment #1 makes the bill.

HB 1527 (Brooks H) creates a Class A misdemeanor offense for the unauthorized dissemination of autopsy materials.

HB 2099 (Towns) makes it a criminal offense to wear "saggy pants" (pants worn below the "waistline").

HB 2157 (Towns) waives handgun permit fees for persons over the age of 65.

HB 1108 (Maddox) exempts persons, firms, and corporations dealing solely in recyclable aluminum cans from the legal requirements on scrap jewelry and metal dealers.

HB 0587 (Coleman) permits the director of the judicial district drug task force to petition the court for the destruction, sale, law enforcement use, or other disposition of confiscated weapons.

HB 1141 (Sontany) describes the term dangerous instrumentality as any item in its manner of use or intended use as, applied to a child, that is capable of producing serious bodily injury.



Rep. Rich



Rep. Sontany

HB 1142 (Sontany)

describes child serious bodily injury to specifically include second and third degree burns, bone fractures, concussions, and permanent or protracted disfigurement.

HB 0004 (Bass)

provides that a person who is exempt from the classroom and firing range training requirements by

reason of that person's prior military experience is also exempt from the payment of the \$115 application and processing fee.

HB 1146 (Bass) prohibits the possession of any telecommunication device by any person while present in any penal institution where prisoners are quartered. An amendment is expected.

HB 1267 (Faulkner), as amended, allows a multi-county judicial district the option of sending any local funds received into it either (1) to the executive director of the district public defenders conference for its disbursement, or (2) to keep such funds for disbursement through the district's office. Amendment #1 adds county trustee duties with regard to the funds.

Re-referred:

HB 1180 (Fraley) has been re-referred from the Criminal Subcommittee to the Civil Subcommittee.

Failed:

HB 2091 (Towns).

HB 1266 (Faulkner).

Taken Office Notice:

HB 0266 (Watson).

HB 2080 (Towns).

HB 0275 (Dean).

HB 0027 (Hardaway).

HB 0032 (Hardaway).

HB 0476 (Hardaway).

HB 0477 (Hardaway).

HB 0548 (Hardaway).

Rolled:

HB 1593 (Lynn): 2 weeks.

HB 0263 (Watson): next year.

HB 1209 (Watson): 2 weeks.

HB 0622 (Maggart): 2 weeks; Judicial Council opinion expected soon.

HB 0517 (Shaw): 2 weeks.

HB 0520 (Shaw): 2 weeks.

HB 0525 (Coley): 2 weeks.

HB 0526 (Coley): 2 weeks.

HB 0584 (Fincher): 2 weeks.

HB 2376 (Shepard): 1 week.

HB 0109 (Lundberg): 2 weeks.

HB 1880 (McCormick): 2 weeks.

HB 0323 (Jones S): 2 weeks.

HB 1293 (Shipley): 2 weeks.

HB 1961 (Shipley): 2 weeks; awaiting Attorney General Opinion.

HB 1541 (Gilmore): 2 weeks.

HB 1129 (Hardaway): 3 weeks.

HB 1130 (Hardaway): 3 weeks.

HB 1374 (Hardaway): 3 weeks.

state & local government

Lawrence Hall, Jr.

THE FULL COMMITTEE

This week in the State and Local Government full committee there were twenty-three bills on the calendar for consideration. One bill was passed to Calendar and Rules and two were passed to Finance, Ways and Means.

Calendar and Rules:

HB 249 by Carr – This bill clarifies certain ambiguities existing within those Murfreesboro city charter provisions that set forth disciplinary policies and procedures for municipal employees.

Finance, Ways and Means:



HB 1745 by Curtiss - Creates select oversight committee on veterans affairs.

HB 1653 by Armstrong – This bill authorizes former members of the general assembly to retain their legislative electronic mail accounts for up to one year from their last official day of service.

Rep. Curtiss

Failed to receive a majority vote:

HB 443 by Borchert

All other bills were rolled for 1 week.

STATE GOVERNMENT SUBCOMMITTEE

This week in State Government Subcommittee the committee considered twenty-three bills and passed ten bills to full committee. The other bills were rolled to a later calendar.

Full Committee:

HB 38 by Hardaway – This bill requires the approval of the general assembly for any historical artifacts to be newly displayed in either chambers or on the second floor of the capitol and authorizes removal of historical articles if deemed appropriate by the general assembly

HB 395 by Fincher – This bill requires the department of human resources to develop job classifications for licensed marital and family therapists.

HB 1847 by Miller L - Revises the Neighborhood Preservation Act.

HJR 0007 by Gilmore - Expresses profound regret for the enslavement and racial segregation of African-Americans.

HB 2007 by McDonald – This bill requires the department of environment and conservation to promulgate rules regulating the disposal and use of coal combustion byproducts.

HB 894 by Tindell - Extends deadline for applications for 2009-2010 annual events from December 31, 2008, to 15 days after this act becomes law; requires secretary of state to submit second omnibus list for 2009-2010 annual events; redefines 501(c)(3) organization to include organization with 501(c)(3) status for at least one year and continuously active as a nonprofit entity conducting an annual fishing event for youth in a county in which it applies to hold an annual event for at least 10 years.

HB 616 by Todd – This bill requires vending machines located on state property to either use energy efficient lights for advertising or have the lights used solely for advertising removed.

HB 2288 by Tindell - Increases from \$5,000 to \$25,000 the amount of goods and services, for which a source of supply has not otherwise been established, that may be procured without requisitioning such goods or services through the department of general services.

HB 2256 by Curtiss - Requires department of human resources to make determination regarding award of days from sick bank within 10 business days instead of

within 10 calendar days; extends maximum continuous leave grant from sick bank from 20 to 30 days.

HB 1628 by McCord - requires the Solid Waste Disposal Control Board to promulgate revised rules relating to the disposal and recycling of coal ash.

HB 204 by Matheny - 2 weeks
HB 813 by Campfield – Failed
HB 1850 by Dunn – Off Notice
HB 1951 by Cobb – Off Notice
HJR 5 by Hardaway – 2 Weeks
HB 2088 by Towns – Corrections Oversight
HB 2308 by Curtiss – Corrections Oversight
HB 40 by Hardaway – Corrections Oversight
HB 224 by Hardaway – Corrections Oversight
HB 1630 by McCord – Off Notice
HB 2349 by Dennis – 1 Week
HB 0670 by Dennis – 1 Week
HB 2357 by Johnson P. – 1 week

LOCAL GOVERNMENT SUBCOMMITTEE

This week in Local Government Subcommittee, twenty-five bills were considered for recommendation to the full committee.

Full Committee:

HB 2057 by Rowland – This bill places certain restrictions on municipal governments and collection agencies concerning the collection of unpaid parking tickets.

HB 1387 by Halford – This bill specifies procedures for sale of property purchased at a delinquent tax sale for municipal taxes only.



Rep. Kernell

HB 1413 by Kernell - Revises the present requirements for an historic interpretive center, which applies to the Center for Southern Folklore in Memphis, to no longer have the location of the center being in a restored theater but instead

place the location of the center in an historic area where structures listed on the national register of historic places are located.

HB 1558 by Dean - Authorizes the purchase of secondhand items by local governments as long as the general range of value of the item is documented through a listing in a recognized publication or through an appraisal and the price is no more than 1 percent of the documented range.

HB 2378 by Carr – This bill imposes application of wheel tax on Rutherford County residents for operation of motor vehicles on any highway in the county by removing present exception for operation on state highways.

HB 1831 by Hawk - Permits volunteer fire departments to possess, store, use, or sell fireworks.

HB 2274 by Turner M. - Deletes authorization for Tennessee board for economic growth and Tennessee Tomorrow, Inc.; removes responsibility for administering institutional conservation program from energy division of department of economic and community development.

HB 713 by Shipley - Subjects director of county emergency management agency to the control of the chief local elected official in lieu of county governing body.

HB 1246 by Curtiss - Requires full-time, part-time, or volunteer firefighters hired or accepted on or after July 1, 2009, to meet certain minimum training requirements.

HB 1549 by Casada – This bill revises “Grape and Wine Law” based on a Sixth Circuit U.S. Court of Appeals decision including allowing out-of-state wineries to be licensed.

HB 2365 by Casada - Adds Laurel Cove in Williamson County to those facilities authorized to sell alcoholic



Rep. Shipley

beverages for on-premises consumption as a premier type tourist resort.

HB 1601 by Swafford – This bill removes requirement that the trustee must report and make a settlement for all taxes with the commissioner of revenue; removes requirement that the trustee submit a financial report to certain state and local government officers for purposes of making a final settlement of taxes.

All other bills:

HB 2127 by Dennis – 1 week
HB 2073 by Cobb C – 1 Week
HB 1950 by Fitzhugh – Last Calendar
HB 1156 by Shepard - Off Notice
HB 2051 by McCord – Off Notice
HB 108 by Lundberg – Failed
HB 1356 by Lundberg – Off Notice
HB 1609 by Litz – Off Notice
HB 2354 by Todd – 3 Weeks
HB 2355 by Todd – 3 Weeks
HB 2356 by Todd – 3 Weeks
HB 2197 by Miller L – Off Notice
HB 1535 by McCormick – 1 Week

ELECTIONS SUBCOMMITTEE

All bills in Elections Subcommittee were rolled to a later calendar or taken off notice.

HB 31 by Hardaway – Off Notice
HB 1857 by L. Miller – 2 Weeks
HB 105 by McCormick – 2 Weeks
HB 779 by McCormick – 2 Weeks
HB 1719 by McCormick – 2 Weeks
HB 845 by Mumpower – 1 Week
HB 295 by Casada – Off Notice
HB 614 by Todd – 1 Week
HB 1770 by Todd – 2 Weeks
HB 519 by Todd – 1 Week
HB 1838 by Todd – 1 Week

transportation

Jeremy L. Elrod

FULL COMMITTEE



Chairman Harmon

The **House Transportation Committee** convened March 24, 2009. There were 13 bills on the calendar.

The following bills were passed by the committee and referred to the **Finance, Ways and Means Committee:**
HB2179 (Bone) – Expresses intent to name appropriate bridge on S.R. 840 in honor of the late First

Lieutenant William Eric Emmert, Tennessee Army National Guard.

HJR78 (Winningham) - “Richard Noe Bridge” highway signs for a bridge on I-75 in Anderson County.

HB2140 (McDonald) – Designates a certain portion of I-65 as the “Deputy Brian Denning Memorial Highway.”

HB18 (Swafford) – As amended, creates a new criminal offense of aggressive driving. A person commits aggressive driving who, during one event of continuous driving, commits at least two of the following violations:

1. Overtaking on the right;
2. Overtaking and passing in no passing zones;
3. Following too closely;
4. Failing to yield to pedestrians;
5. Failure to signal turn;
6. Speeding;
7. Stopping, standing, or parking in prohibited places;
8. Following fire trucks;

and the result of the violations place another person(s) in danger of bodily injury. Aggressive driving would be a Class B misdemeanor.

HB731 (Ferguson) – “Mayor Edwin L. Kelley Memorial Highway” highway signs on a segment of State Route 61/State Route 62 (Tri-County Boulevard) within the Town of Oliver Springs. An amendment was adopted for Oliver Springs to pay for the signs.

HB1581 (Matheny) – “Bob Couch Highway” highway signs on a segment of U.S. Highway 41A in Coffee County.

HB372 (Ford) – “James Lesley Isenberg Memorial Bridge” highway signs for a bridge over Cedar Creek on State Route 75.

HB1929 (Ford) – “Bob Good Memorial Bridge” highway signs as the Interstate 26 and State Route 381 interchange in Washington County.

The following bills were passed by the committee and will be placed in the **Omnibus Special License Plate Bill**:

HB1116 (Dean) – Changes the current Fraternal Order of Police cultural plate to a specialty earmarked plate. The bill allocates proceeds from the plate to the Tennessee Fraternal Order of Police Charitable Foundation. Amendments were adopted to allow for an FOP plate and to count current FOP plates to the 1,000 minimum needed for a new specialty plate.

HB1657 (Armstrong) – authorizes new specialty earmarked license plate to honor contributions of nurses in Tennessee, and it directs portion of proceeds to Tennessee Nurses Foundation.

HB1660 (Armstrong) – Authorizes issuance of I RECYCLE new specialty earmarked license plates, and



Rep. Ford

it earmarks proceeds from such plates for certain recycling efforts.

HB366 (Matheny) – Authorizes issuance of new specialty earmarked license plates for Tennessee Off-Highway Vehicle Association, and it earmarks proceeds from such plates to the organization.

HB384 (Ford) – extends application deadline for

Appalachian Trail new specialty license plate until June 30, 2010.

RURAL ROADS SUBCOMMITTEE

The **Rural Roads Subcommittee** met March 24, 2009 to consider eight bills.

HB1416 (Shipley), **HB1417 (Shipley)** and **HB437 (Shipley)** were taken off notice.

HB1165 (K. Brooks) and **HB100 (Moore)** were rolled for one week.

The following bills were passed by the committee and referred to the full **Transportation Committee**:

HB1382 (Harmon) – Creates exemption from petroleum tax for fuel used by an independent contractor under contract with an LEA to provide school transportation services.

HJR116 (H. Brooks) – Names the TDOT Complex in Knoxville the “Fred B. Corum Regional Administration Building.”

HB1480 (J. Cobb) – “Jimmy ‘Pap’ Galloway Memorial Bridge” highway signs for a bridge on U.S. Highway 27 in Rhea County.

PUBLIC SAFETY SUBCOMMITTEE

The **Public Safety & Rural Roads Subcommittee** met March 24, 2009 to consider 14 bills.

HB2052 (Rowland) was rolled for one week.

HB1470 (Shepard), **HB685 (Cooper)** and **HB683 (Cooper)** and were taken off notice.

HB886 (Cooper) was referred to the Clerk’s Desk.

HB36 (Hardaway), **HB1605 (H. Brooks)** and **HB1265 (Faulkner)** were rolled for two weeks.

HB1511 (Todd) died for the lack of a second.

The following bills were passed by the committee and referred to the full **Transportation Committee**:

HB205 (Swafford) – Authorizes additional type of license plate for motor vehicle registration that includes language “In God We Trust” for same fee as regular registration fee.

HB706 (Dean) – As amended, places into Billboard Regulation and Control Act the definition of “visible” as defined by federal regulation.

HB1853 (Bell) – Authorizes issuance of new specialty earmarked plates for Cherohala Skyway and allocates proceeds from such plates to Cherohala Skyway Visitor Center.

HB1164 (K. Brooks) – Authorizes issuance of new TN SOLAR POWER! specialty earmarked plates. The bill allocates proceeds from such plates to Tennessee Energy Education Network (TEEN) and Cleveland State Community College.

HB253 (Casada) – Adds three violations of the rules of road to the current list of violations resulting in accident that are penalized as Class A misdemeanors when involving death or as Class B misdemeanors when involving serious bodily injury.

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